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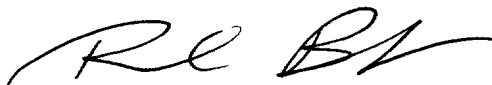
Re: In the Matter of Applications for Consent to the Transfer of Control of
Licenses and Section 214 Authorizations from Ameritech Corporation,
Transferor, to SBC Communications Inc., Transferee, CC Docket No. 98-
141, ASD File No. 99-49

Dear Ms. Salas:

Please find enclosed for filing an original and fourteen copies of the Opposition of SBC
Communications Inc. to the Petition for Reconsideration of the Competitive Telecommunications
Association in the above captioned proceeding.

Please date-stamp and return the extra copy provided to the person delivering this
package.

Sincerely,



Rachel E. Barkow

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Applications for Consent to the Transfer of
Control of Licenses and Section 214
Authorizations from Ameritech Corporation,
Transferor, to SBC Communications Inc.,
Transferee

CC Docket No. 98-141
ASD File No. 99-49

**OPPOSITION OF SBC COMMUNICATIONS INC.
TO THE PETITION FOR RECONSIDERATION OF THE
COMPETITIVE TELECOMMUNICATIONS ASSOCIATION**

INTRODUCTION AND SUMMARY

After carefully considering numerous pleadings, ex partes, and comments, the Commission granted SBC Communications Inc.'s ("SBC") request for a modification of certain conditions contained in the *SBC/Ameritech Merger Order*.¹ The Commission conditioned its approval on a host of voluntary commitments made by SBC. These voluntary commitments were the product of intense discussions with the FCC Staff and the various competitive local exchange carriers ("CLECs") and are designed "to ensure that competitors have the ability to compete effectively in the advanced services marketplace." *Modification Order*² ¶ 1.

¹ Memorandum Opinion and Order, *Ameritech Corp., Transferor, and SBC Communications Inc., Transferee, For Consent to Transfer Control*, 14 FCC Rcd 14712 (1999) ("*SBC/Ameritech Merger Order*"), appeal pending sub nom. *Telecommunications Resellers Ass'n v. FCC*, Civil Action No. 99-1441 (D.C. Cir.).

² Second Memorandum Opinion and Order, *Ameritech Corp., Transferor, and SBC Communications Inc., Transferee, For Consent to Transfer Control*, CC Docket No. 98-141, FCC 00-336 (rel. Sept. 8, 2000) ("*Modification Order*").

The Commission concluded that granting SBC's request, subject to the voluntary commitments, was in the public interest because "consumers will benefit not only from a more rapid deployment of advanced services, but from the increased choices that stem from the competitive safeguards contained in SBC's proposal." *Id.* ¶ 2. The Commission found that "SBC's proposal should affirmatively and identifiably promote the rapid deployment of advanced services in a pro-competitive manner, thereby serving the goals of section 706." *Id.* ¶ 23. "Granting SBC permission will speed the deployment of ADSL service availability to 77 million consumers within three years." *Id.*

SBC had waited seven months for the Commission's final ruling on its request so that it would have a clear set of rules on which to make its economic and technical decisions. And, after the Commission released its order granting SBC's request subject to conditions, SBC relied on that order in making its decision to deploy line cards in its remote terminals (RTs). SBC proceeded to spend tens of millions of dollars on equipment. It is in the process of making its ADSL service available to millions of potential customers who did not previously have this option. It would be unwarranted and unprecedented for the Commission to modify its order at this juncture. Indeed, the Commission has established strict rules for reconsideration precisely to avoid upsetting parties' justifiable reliance on its orders and undermining the finality of its decisions.

Despite the Commission's full consideration of all concerns aired in this proceeding and its conclusion that granting SBC's waiver subject to the voluntary commitments would promote advanced services and benefit consumers, the Competitive Telecommunications Association ("CompTel") nevertheless petitions the Commission for reconsideration of the *Modification Order*. CompTel raises no new facts or arguments in support of its petition. *See* 47 C.F.R.

§ 1.106.³ Instead, CompTel simply rehashes the same arguments the Commission has already rejected. CompTel itself concedes that it “previously sought, and again requests” a determination that SBC’s voluntarily-provided Broadband Service is an unbundled network element (“UNE”). Petition for Reconsideration of CompTel at 3 (FCC filed Oct. 10, 2000) (“CompTel PFR”). CompTel further admits that it already “asked the FCC to modify” the Voluntary Conditions to eliminate a collocation requirement for carriers that rely on the UNE-P. *Id.* at 4-5. By its own admission, CompTel has “consistently and repeatedly argued” that SBC violated the network planning and engineering provisions of the Merger Conditions. *Id.* at 8. And, too, CompTel acknowledges that it has “advocated throughout the Commission’s consideration of SBC’s modification request” that the Commission should prohibit SBC’s incumbent local exchange carriers (“ILECs”) from making the Broadband Service available during a “mandatory transition period” of 90 days. *Id.* at 10-11.

Thus, CompTel concedes that all four of the claims in its Petition for Reconsideration have already been considered and resolved by the Commission in this proceeding. Moreover, CompTel provides no new facts or changed circumstances that warrant reconsideration. Under this Commission’s well-settled rules for considering petitions for reconsideration, “[a] petition that simply reiterates arguments previously considered and rejected will be denied.”⁴ Indeed, “[r]econsideration is appropriate only where the petitioner either shows a material error or omission in the original order or raises additional facts not known or not existing until after the

³ Although CompTel claims that its petition for reconsideration complies with 47 C.F.R. § 1.429, that provision addresses petitions for reconsideration that are filed in rulemakings. Because the Commission’s consideration of SBC’s waiver request was an adjudication, the relevant reconsideration provision is 47 C.F.R. § 1.106. See Public Notice, DA 00-2367 (rel. Oct. 19, 2000) (noting that CompTel’s PFR is subject to Section 1.106 of the Commission’s rules).

⁴ Memorandum Opinion and Order, *EZ Sacramento, Inc.*, Nos. 98020370 & 98090215, DA 00-2143, 2000 FCC LEXIS 5047, ¶ 2 (rel. Sept. 21, 2000) (“*EZ Sacramento Order*”); see also Memorandum Opinion and Order, *Applications of Religious Broadcasting Network, et al.*, 3 FCC Rcd 6216, 6216, ¶ 2 (1988) (“It is well-settled that reconsideration will not be granted merely to reargue matters previously considered and resolved.”).

petitioner's last opportunity to present such matters.”⁵ Since CompTel has shown neither material error nor omission, its petition must be denied.⁶

I. The Broadband Service Is Not a UNE or UNE Combination

CompTel “previously sought, and again requests, that the Commission clarify that . . . SBC’s ILECs are providing[] voluntarily-combined UNEs.” CompTel PFR at 3. CompTel alone raised this argument on at least three occasions.⁷ The Commission, however, did not take a position on whether the Broadband Offering is subject to sections 251 or 252 or any other provision of the Act. *Modification Order* ¶ 30. Rather, the Commission concluded that such an argument, to the extent it has any merit at all, could be raised in state proceedings.

CompTel offers no new basis for the Commission to reconsider that determination. CompTel merely repeats its concern that “future disputes are likely to arise” and its claim that a “clarification” would provide “certitude.” CompTel PFR at 3. Again, these arguments are nothing new to the Commission. Moreover, whether those disputes occur or not in the future, CompTel has provided no reason for the Commission to address such disputes before they arise.

Indeed, it would be wholly inappropriate for the Commission to determine in the context of an adjudication interpreting the Merger Conditions whether the elements and equipment used

⁵ *EZ Sacramento Order* ¶ 2.

⁶ See Memorandum Opinion and Order, *Joy Public Broadcasting Corp. Radio Station WJTF-FM*, No. 99TP016, DA 00-2005, 2000 FCC LEXIS 4612, ¶ 2 (rel. Sept. 1, 2000) (holding that denial of petition is warranted where review of petition for reconsideration and the order at issue reveals that the “Order contains no material error or omission and that [the Commission] ha[s] already considered and rejected the arguments contained in [the] petition”).

⁷ See, e.g., Letter from Jonathan D. Lee, CompTel, to Magalie Roman Salas, FCC, at 4 (Aug. 8, 2000) (“CompTel Aug. 8 Ex Parte”) (“Commission . . . must clarify that the SBC ILECs are, in fact, providing UNEs to the SBC advanced services affiliate”); Letter from Jonathan D. Lee, CompTel, to Magalie Roman Salas, FCC, at 1 (Apr. 26, 2000) (“CompTel Apr. 26 Ex Parte”) (asking the Commission to subject all advanced services equipment in question to Section 251 of the Act); Letter from Jonathan D. Lee, CompTel, to Carol Matthey, FCC, at 5 (May 18, 2000) (“CompTel May 18 Ex Parte”) (asking SBC to make various features of Pronto available on a UNE basis). Other commenters also raised this issue before the Commission. See, e.g., Letter from James L. Casserly, Mintz Levin Cohn Ferris Glovsky and Popeo, P.C., Counsel for AT&T Corp., to Magalie Roman Salas, FCC, at 3 (Aug. 23, 2000) (“AT&T Aug. 23 Ex Parte”).

to provide the Broadband Service should be UNEs. In this proceeding, the Commission's task is to determine whether SBC's proposed modification to the Merger Conditions would be in the public interest. As part of its submission for a modification, SBC voluntarily offered its Broadband Service and other commitments. The Commission determined that SBC's request for a modification, coupled with its voluntary commitments, would serve the public interest. In particular, the Commission concluded that a waiver of the Merger Conditions and SBC's voluntary commitments would "affirmatively and identifiably promote the rapid deployment of advanced services in a pro-competitive manner, thereby serving the goals of section 706."

Modification Order ¶ 23. The Commission reached this conclusion *without* deciding whether the Broadband Service should be offered on a UNE-basis. That is, the Commission concluded that the public interest would be served by the terms of SBC's proposal, under which SBC complies with all existing UNE rules, and the Broadband Service is provided as an end-to-end wholesale service on a shared rather than exclusive basis, offered on a nondiscriminatory basis, and priced consistently with UNEs.

There is, then, no reason for the Commission to reach out to create new UNEs in this proceeding. And that is, in fact, exactly what the Commission would be doing, because the elements used in the Broadband Service are not UNEs under the Commission's current rules. Before the Commission can determine that a carrier is providing a "combination" of UNEs, it must first conclude that the components of that combination are UNEs. And before the Commission can conclude that an element is a UNE, it must conclude that the element satisfies the "necessary" and "impair" standard of section 251. 47 U.S.C. § 251(d)(2). Tellingly, CompTel never identifies the specific elements of the Broadband Service that it believes are UNEs under the Commission's rules and that it believes are being "voluntarily combined." That

is because, under the Commission's rules, SBC's Broadband Service includes elements and equipment that the Commission has already expressly decided are *not* UNEs under the Act. For example, the provision of packet switching (including the OCD and some card functions) that is included in the Broadband Service is not required under the *UNE Remand Order*.⁸ The Commission concluded in the *UNE Remand Order* that packet switching should not be unbundled except in the "limited" circumstance where the incumbent LEC has collocated its DSLAM in a remote terminal and the requesting carrier is unable to install its DSLAM in the RT or obtain spare copper loops to provide advanced services. 15 FCC Rcd at 3838-39, ¶ 313. SBC's voluntary commitments offer CLECs the ability to access copper loops at the RT or to collocate their DSLAMs in huts and vaults where RTs are located. In some cases, both of these options will be available to CLECs. Thus, the Broadband Service offers network elements that need not be unbundled under the Commission's current rules, and therefore the combination of those elements is not a "voluntary" combination of UNEs.

It is wholly inappropriate for CompTel to seek reconsideration of the *UNE Remand Order* in this proceeding. This is a limited adjudication to determine whether SBC should obtain a waiver of the Merger Conditions. What CompTel proposes is the reversal of Commission rules and the creation of new UNEs that would affect the entire industry. Yet CompTel does not even attempt to argue that specific elements that comprise the Broadband Service satisfy the "necessary" and "impair" test – the threshold showing that is required before an element must be unbundled. See *AT&T v. Iowa Utils. Bd.*, 525 U.S. 366 (1999). Nor does CompTel explain how such an unbundling requirement would square with the Commission's analysis of packet switching under section 706 of the Act. The Commission has already concluded that extending

⁸ Third Report and Order and Fourth Further Notice of Proposed Rulemaking, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, 15 FCC Rcd 3696 (1999) ("*UNE Remand Order*").

UNE regulation to packet switching would stifle the incentives of carriers to use such technology, in flat contradiction to section 706. *See UNE Remand Order*, 15 FCC Rcd at 3839, ¶ 314.

This issue was decided in the context of an industry-wide proceeding on remand from the Supreme Court. To alter the conclusion of that proceeding in this limited adjudicatory proceeding concerning the proper interpretation of merger conditions applicable only to SBC would be procedurally as well as substantively improper.

In sum, CompTel has provided no grounds on which the Commission should reconsider its conclusion not to decide whether the Broadband Service is subject to section 251 or section 252. Accordingly, its petition for reconsideration on this basis must be denied.

II. CLECs Purchasing UNE Loops Are Not Harmed by the Broadband Service

CompTel once again asks the Commission to modify the Voluntary Conditions to give UNE-P carriers “the same nondiscriminatory access to the loop as SBC’s ILECs, or their advanced services affiliate.” CompTel PFR at 5.⁹ Although CompTel does not include details in its PFR as to how exactly the Voluntary Conditions should be modified, CompTel cites an earlier filing by AT&T in which AT&T asked the Commission to eliminate in the Voluntary Conditions the requirement that users of the Voice/Data Service collocate in the SBC ILEC’s central office. *See* CompTel PFR at 5 n.6 (citing AT&T Aug. 23 Ex Parte at 4).

The Commission properly refused to modify the Voluntary Conditions. *Modification Order* ¶ 51. The Commission emphasized that it is considering “arguments relating to the use of UNE-P to provide DSL service and line splitting in the *Local Competition* and *Line Sharing* proceedings in which we will be able to more fully evaluate the policy arguments and technical

⁹ *See* CompTel Aug. 8 Ex Parte at 7.

issues based on a fuller record.” *Id.* Unsurprisingly, CompTel has provided no additional evidence or facts that would support reconsideration of this determination.

Instead, CompTel claims that the Commission should reconsider its determination “to bring the Conditions to the *Pronto Modification Order* into harmony with the Commission’s previous ruling on the same issue” in the *Texas 271 Order*.¹⁰ CompTel PFR at 5-6. The *Modification Order* is already fully consistent with the *Texas 271 Order*. CompTel is mistaken when it suggests that a CLEC that wishes to provide voice service cannot partner with another CLEC that wishes to provide data service. SBC will offer a combined voice and data option under which it will deliver a separate voice and data handoff to a single collocation arrangement. At that point, the CLEC can provide the voice or data to another CLEC, thereby enabling the collocated carrier to partner with any other carrier jointly to provide voice and data service.

Indeed, the Commission already made clear in the *Modification Order* that SBC’s Voluntary Conditions fully comply with its rules. “SBC’s new offerings create *additional* choices for competitive LECs. Nothing about our modification of the ownership restrictions in the *Merger Conditions* limits a competitive LEC’s ability to obtain an unbundled local loop or subloop, including loops capable of providing xDSL services.” *Modification Order* ¶ 29 (emphasis added). “The Combined Voice and Data Offering will provide carriers the ability to use the voice portion of the loop *just as they would any other voice loop*, while complementing their offering with the capability to provide the ADSL service made available by SBC’s incumbent LECs.” *Id.* ¶ 47 (emphasis added). The Commission further concluded that “SBC’s proposal does not eliminate any options currently available to competitive LECs under our rules,

¹⁰ Memorandum Opinion and Order, *Application by SBC Communications Inc., et al., Pursuant to Section 271 of the Telecommunications Act of 1996 To Provide In-Region, InterLATA Services In Texas*, CC Docket No. 00-65, FCC 00-238 (rel. June 30, 2000) (“*Texas 271 Order*”).

including the right to obtain access to the subloop network element, to collocate in remote terminals (when space is available), and to obtain access to unbundled DSLAM capabilities in certain circumstances.” *Id.* ¶ 35. Thus, the Commission’s own findings make clear that the Voluntary Conditions offer CLECs *additional* loop access; *a fortiori*, CLECs have the same capacity to engage in line splitting and line sharing that they did before the Voluntary Conditions. CompTel has provided no evidence that these findings are in error.

CompTel is also mistaken when it suggests that the Voluntary Conditions fail to comply with the nondiscrimination obligations in the Merger Conditions. CompTel PFR at 6. SBC’s Voluntary Conditions are nondiscriminatory. The services being offered to CLECs are the same services that are being offered to SBC’s advanced services affiliates, ASI and AADS. ASI and AADS have the same access to the loop as other CLECs. Just like any other CLEC, ASI and AADS will be required to collocate in every central office in which they wish to obtain the wholesale data services that SBC’s ILEC subsidiaries will provide over the Project Pronto network.

Finally, CompTel suggests that SBC’s offering is at odds with the Commission’s *Advanced Services Collocation Order*.¹¹ CompTel PFR at 7. Although CompTel suggests that SBC must comply with the *Advanced Services Collocation Order*, even if it is vacated on appeal, the Merger Conditions state no such thing. On the contrary, the Merger Conditions provide that SBC “shall provide collocation *consistent with the Commission’s rules*.” Merger Conditions, 14 FCC Rcd at 15010, ¶ 37 (App. C attached to *SBC/Ameritech Merger Order*) (emphasis added). Once a Commission rule is vacated, it no longer exists, and SBC no longer has an obligation to

¹¹ First Report and Order and Further Notice of Proposed Rulemaking, *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, 14 FCC Rcd 4761 (1999) (“*Advanced Services Collocation Order*”).

comply with it. Thus, once the D.C. Circuit vacated portions of the *Advanced Services Collocation Order*, SBC was no longer obliged to comply with those portions of the order. *See GTE Serv. Corp. v. FCC*, 205 F.3d 416, 426-27 (D.C. Cir. 2000). Accordingly, SBC is not required to allow CLECs to construct cross-connects. *Id.* at 423-24. In addition, even if SBC were required to comply with the vacated rules, which it is not, those rules merely require SBC to allow *collocating* CLECs to construct cross-connects. *See Advanced Services Collocation Order*, 14 FCC Rcd at 4779, ¶ 33 (“We now revise our rules to require incumbent LECs to permit *collocating* carriers to construct their own cross-connect facilities between collocated equipment located on the incumbent’s premises.”) (emphasis added). There is no requirement that SBC permit one collocated CLEC to cross-connect with another CLEC that is not collocated.

Thus, the Commission properly rejected CompTel’s request, and nothing in the petition for reconsideration presents a basis for revisiting that decision.

III. SBC Has Not Committed a *Per Se* Merger Violation

CompTel asks the Commission to reconsider its conclusion that SBC complied with the Merger Conditions’ network planning and engineering requirements. CompTel PFR at 8-10. CompTel concedes that it has “consistently and repeatedly” made this argument and that the Commission rejected it. *Id.* at 8.¹² Yet CompTel provides no new facts or evidence to support its claim. It simply rehashes the argument one more time.

The Commission noted in the *Modification Order* that the Merger Conditions expressly allow SBC ILECs to perform limited network planning and engineering services on behalf of their advanced services affiliates during a transition period “to allow an efficient transfer of

¹² *See, e.g.*, CompTel Aug. 8 Ex Parte at 6; CompTel May 18 Ex Parte at 2; CompTel Apr. 26 Ex Parte at 2.

existing advanced services customers.” *Modification Order* ¶ 59. CompTel has still “not provided evidence to show that SBC’s incumbent ILECs improperly provided network planning [and engineering] services with regard to the deployment of plug-in cards in remote terminals as part of Project Pronto after the transition period.” *Id.* Accordingly, there is still “no basis” for the Commission to conclude that SBC has violated the Merger Conditions. *Id.*

The planning for Project Pronto began before the Merger Conditions, as the Commission has noted. *Id.* It was conceived when the SBC ILECs provided both POTS and advanced services, and it involves more than merely advanced services. Pronto involves the placement of fiber feeder facilities and RTs that have been and, under the waiver request, will be owned by the ILECs. These facilities will be used in the provision of POTS as well as DSL services. The SBC ILECs were not doing any network planning or engineering on the Pronto RTs solely for ASI and AADS. Rather, contrary to CompTel’s claims, the advanced services affiliates (ASI and AADS) design their own finished advanced services, such as choosing where and how to serve their customers, as required by paragraph 4.c of the Merger Conditions. The advanced services affiliates will use SBC ILEC service inputs such as the Broadband Service (which only connects the end user to the central office, not the ultimate termination point) as part of its end-to-end services. Thus, the affiliates are responsible for their advanced services, while ILECs are responsible for their telecommunications services that are inputs into the affiliates’ and unaffiliated CLECs’ retail advanced services – precisely the arrangement contemplated by paragraph 4.c of the Merger Conditions. *See* Merger Conditions, 14 FCC Rcd at 14976-77. And this arrangement is subject to full enforcement under the Merger Conditions, so any carrier claiming a violation can file a complaint. *See id.* at 15037-38, ¶¶ 68-73.

CompTel has therefore provided no evidence that SBC has violated the Merger Conditions' network planning and engineering provisions. Simply repeating the argument again and again does not make it any stronger. In the absence of any new facts or evidence to support its claim of a Merger Condition violation, the Commission must reject CompTel's request for reconsideration.

IV. The Commission Should Not Delay the Benefits of Advanced Services

CompTel concedes that it has "advocated throughout" this proceeding that the Commission should impose a mandatory transition period during which SBC's ILECs are prohibited from offering the Broadband Service for 90 days. CompTel PFR at 10-11.¹³ The Commission considered and rejected this argument. The Commission held that such a transition period is "not necessary in light of SBC's commitment to make available the Broadband Offering to all carriers (including its Advanced Services Affiliate) at the same time."

Modification Order ¶ 50.

The Commission should once again reject CompTel's attempt to delay the benefits of the Voluntary Conditions from reaching consumers and all competitors. The Commission has concluded that the Voluntary Conditions, as written, are in the public interest. It should therefore dismiss CompTel's attempt to extract additional post-approval concessions and commitments, which would disserve the public and competitors by delaying the benefits the Voluntary Conditions bring. As the Commission concluded in its *Modification Order*, the Voluntary Conditions "speed the deployment of advanced services to consumers throughout SBC's territory, some 20 million of whom are unable to receive any DSL service today." *Id.* ¶ 28. The Commission's "approval of SBC's request subject to its pro-competitive commitments not only

¹³ See, e.g., CompTel Aug. 8 Ex Parte at 6-7; CompTel May 18 Ex Parte at 4; Letter from Jonathan D. Lee, CompTel, to Magalie Roman Salas, FCC, at 3-4 (May 19, 2000).

should enable 20 million consumers to have access for the first time to exciting new services, but also paves the way for . . . other carriers to compete for those consumers.” *Id.* Thus, the Voluntary Conditions “enable competing carriers to provide advanced services in SBC’s territory” *Id.* ¶ 1. CompTel’s request would unnecessarily delay these beneficial effects.

And CompTel provides no new evidence, facts, or arguments to support its claim. Instead, CompTel simply regurgitates its unsubstantiated assertion that, “to the degree that new pre-order, order, and provisioning processes and systems are required for CLECs to access the new Pronto architecture/network configuration . . ., then CLECs must not be disadvantaged relative to SBC’s ILECs or affiliate[s].” CompTel PFR at 10. The Commission already addressed this claim and concluded that SBC “has worked to educate its wholesale customers by hosting a series of collaborative sessions in which SBC employees have explained the Broadband Offering, the associated ordering and provisioning processes, and answered questions posed by competitive LECs.” *Modification Order* ¶ 50. In addition, the Commission noted that the Merger Conditions “already provide for OSS training for qualifying competitive LECs and that training on the necessary ordering and provisioning processes falls within the scope of the existing *Merger Conditions*.” *Id.*

Although CompTel claims that the integrated voice/data service “will not be available to competitive carriers at the same time as SBC’s affiliate,” CompTel PFR at 11, the Voluntary Conditions plainly state that the combined voice/data service offering will be offered on a nondiscriminatory basis at the same time to all CLECs, including SBC’s separate affiliate. *See Modification Order*, App. A, ¶ 3.

Thus, at bottom, CompTel’s request for a suspension of the Commission’s *Modification Order* for 90 days is based on CompTel’s desire to inhibit SBC’s ability to compete in the

marketplace. Imposing a 90-day moratorium would be both punitive and unreasonable given SBC's commitment to provide the Broadband Service and the integrated voice and data offering on a nondiscriminatory basis and CompTel's failure to demonstrate a violation of that commitment. The Commission presumes that carriers will comply with their commitments; it has not embraced CompTel's guilty-until-proven-innocent approach. *See Memorandum Opinion and Order, Applications for Consent to the Transfer of Control of Licenses and Section 214 Authorizations from Tele-Communications, Inc., Transferor, To AT&T Corp., Transferee*, 14 FCC Rcd 3160, 3230-31, ¶ 148 (1999) (presuming that parties make representations to the Commission "in accordance with the Commission's candor and truthfulness requirements"). In addition, the Commission has ample power to enforce the Voluntary Conditions in the event of a violation. *See Modification Order*, App. A, ¶ 10 (Voluntary Conditions "are subject to the enforcement provisions of Section XXVIII of the SBC-Ameritech Merger Conditions").

CONCLUSION


CompTel's petition for reconsideration is based solely on arguments already considered and rejected by the Commission. Accordingly, for the foregoing reasons, it should be denied.

Respectfully submitted,

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Counsel for SBC Communications Inc.

November 2, 2000

CERTIFICATE OF SERVICE

This is to certify that on November 2, 2000, I provided true and correct copies of the Opposition of SBC Communications Inc. to the Petition For Reconsideration of the Competitive Telecommunications Association by hand delivery (indicated by asterisk) or by first-class mail, postage prepaid, to the following:

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